**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**
**CIVIL APPLICATION NO.1601 OF 2006**
**IN**
**FIRST APPEAL NO.606 OF 2006**

M/s.Ideal International Powar
Tools (P) Ltd. ...Applicant

Vs.

Municipal Corporation of Mumbai & Anr. ...Respondents

Mr.A.M.Saraogi for the Appellant
Mr.Mr.J.J.Xavier for the Respondent-B.M.C.

**CORAM: A.S.OKA, J.**
**DATED: APRIL 5,2006.**

**P.C.:**

1. Rule. Advocate for the Respondent No.1 waives service. Since the prayer for injunction in this Application is made against the Respondent No.1, service of notice to the Respondent No.2 is not necessary.

2. The case of the Applicant/Appellant is that mezzanine floor was in existence prior to 15th August 1997. It is contended that the Municipal Corporation has taken a policy decision for regularization of the such mezzanine floors. However, the Corporation is awaiting the decision of the State Government. In view of this position and in view of the fact that the First Appeal has been admitted for final hearing, the suit structure will have to be protected.

3. Hence I pass the following order :

. Till the final disposal of the First Appeal, the offending structure shall not be demolished on the basis of notice dated 22nd May 1998 and order dated 21st July 1998 subject to the condition that the Applicant will not carry out any addition or alteration to the suit structure without permission of this Court.

4. Civil Application is disposed of in above terms.

. No order as to costs.

**Judge.**